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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,863	11/30/2001	Larry R. Satek	37219	6768

7590

01/28/2003

BP America Inc.
Docket Clerk, Law Department,
M.C. 2207A
200 East Randolph Drive
Chicago, IL 60601-7125

EXAMINER

NGUYEN, TAM M.

ART UNIT

PAPER NUMBER

1764

DATE MAILED: 01/28/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/997,863

Applicant(s)

SATEK ET AL.

Examiner

Tam M. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10, 19 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The expression "less than about 1" in line 21 of claim 1 and in line 32 of claim 19, renders the claims indefinite because the word "about" in the expression include the limitation of greater than 1.

The expression "less than about 0.5" and in line 3 of claim 8, renders the claim indefinite because the word "about" in the expression include the limitation of greater than 0.5

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaminsky et al.

(6,080,905).

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Kaminsky discloses a process from removing impurities (e.g., propadiene and acetylene) from an olefinic feed comprising ethylene and propylene by contacting the feed with an adsorbent in an adsorption zone wherein the Kaminsky adsorbent is the same as the claimed adsorbent and the adsorption zone of Kaminsky is operated at the same conditions as the claimed conditions. The spent adsorbent is then regenerated with hydrogen to release the impurities from the adsorbent. It is noted that Kaminsky does not specifically disclose that the purified effluent from the adsorption zone contains less than about 1 ppm by volume of propadiene (diene) impurities. However, the process of Kaminsky is similar to the claimed process in terms of feedstock, operating conditions and adsorbent. Therefore, it would be expected that the Kaminsky would provide a product effluent having the claimed amount of propadiene. (See entire patent; especially col. 3, lines 30-35)

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaminsky et al. (6,124,517).

Kaminsky discloses a process from removing impurities (e.g., propadiene and acetylene) from an olefinic feed comprising ethylene and propylene by contacting the feed with an adsorbent in an adsorption zone wherein the Kaminsky adsorbent is the same as the claimed adsorbent and the adsorption zone of Kaminsky is operated at the same conditions as the claimed conditions. The spent adsorbent is then regenerated with hydrogen to release the impurities from the adsorbent. It is noted that Kaminsky does not specifically disclose that the purified effluent from the adsorption zone contains less than about 1 ppm by volume of propadiene (diene) impurities. However, the process of Kaminsky is similar to the claimed process in terms of

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feedstock, operating conditions and adsorbent. Therefore, it would be expected that the Kaminsky would provide a product effluent having the claimed amount of propadiene. (See entire patent; especially col. 3, lines 42-50)

Conclusion

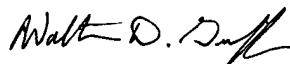
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam M. Nguyen whose telephone number is (703) 305-7715. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on 703-308-6824. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-5408 for regular communications and (703) 305-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Tam M. Nguyen
Examiner
Art Unit 1764

Tam Nguyen/ TN
January 27, 2003


Walter D. Griffin
Primary Examiner